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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/796,752    02/06/97    ARAI    K    614.1804/HJS

STAAS & HALSEY  
700 ELEVENTH STREET N W  
SUITE 500  
WASHINGTON DC 20001

WM51/1103

EXAMINER
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NGUYEN, P

ART UNIT	PAPER NUMBER
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2663

DATE MAILED:

11/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*75*

# Office Action Summary

Application No.  
**08/796,752**

Applicant(s)

**Koji Aral**

Examiner  
**Phuongchau Ba Nguyen**

Group Art Unit  
**2663**



☒ Responsive to communication(s) filed on Amendment in September 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-9, 11, and 12 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☒ Claim(s) 3-5, 8, 9, 11, and 12 is/are allowed.

☒ Claim(s) 1, 2, 6, and 7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### **FIRST ACTION**

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clear what meant by "another signal"[line 6]. Please clarify if the "another signal"[line 6] is referred to the other signal of the two signals [line 4] or the "another signal"[line 6] is a new signal which is other than the two signals [line 4]. Claims 2 [line 5], 6 [line 6], and 7 [lines 6-7] have the same problems.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

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section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Nishimura et al [5,490,183].

The admitted prior art discloses in figure 1 a plurality of base stations [1-n] connecting to an ATM hub which is connected to wiring LAN system. These base stations transmit data received from ATM hub to a terminal station in different frequencies [f1-fn].

The admitted prior art does not disclose down converting each signal no more than a frequency which is allocated to said each base station.

Nishimura discloses in figure 1 a data multiplexing and separating circuit 21 connecting to an ISDN system and separating [converting] the signal received from the ISDN system from 64 kbps into plurality signals in lower bit rate [i.e., 11.2 kbps]. These low bit rate signals were transmitted to a plurality of base stations 3a-3n {see element 21 in figures 1, 3, 5; col.2, line 9 to col.3, line 22; and col.9, lines 60-67}.

Therefore, it would have been obvious to a skilled artisan to implement the multiplexing and separating circuit 21 in the radio communication line control station of Nishimura into the line between the base stations [1-n] and the ATM hub of the admitted prior art. The motivation is to improve the transmission rate by transmitting data at a low bit rate between the base station and the ISDN system [i.e., ATM] as explicitly suggested by Nishimura in column 1 lines 23-41.

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*Allowable Subject Matter*

3. Claims 3-5, 8-9, 11-12 are allowable over prior art of the record.
  
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is (703) 305-0093 and available Monday-Friday from 10:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340. The fax number for this group is (703)305-9509.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

*PN*

P. NGUYEN

November 2, 2000

MELVIN MARCELO  
PRIMARY EXAMINER